

EXHIBIT 34

1 Volume I

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3 UNITED STATES DISTRICT COURT
4 DISTRICT OF MASSACHUSETTS

5 No. 04-CV-11948-RGS

6 SEYED MOHSEN HOSSEINI-SEDEHY,

7 Plaintiff

8 vs.

9 ERIN T. WITHINGTON and the CITY
10 OF BOSTON,

11 Defendants

12
13 DEPOSITION OF ERIN T. WITHINGTON

14 Thursday, March 31, 2005

15 10:00 a.m. - 4:32 p.m.

16 SMITH & DUGGAN LLP

17 55 Old Bedford Road

18 Lincoln, Massachusetts 01773-1125

19
20
21
22 FARMER ARSENAULT BROCK LLC

23 617.790.4404 FAX 617.728.4403

24 Reporter: Cynthia C. Henderson/RPR

Erin T. Withington - March 31, 2005

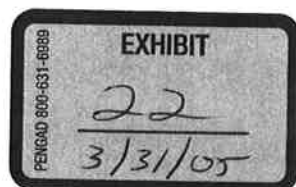
<p style="text-align: right;">198</p> <p>1 Hosseini, from Mr. Hosseini's lawyer asking if you</p> <p>2 could produce some police reports on your</p> <p>3 investigation in which you said that you would draft</p> <p>4 the reports within a week or so and give them to the</p> <p>5 D.A.? Do you remember that conversation?</p> <p>6 A. No. I don't remember that conversation.</p> <p>7 Q. If I can have you take a look at Exhibit 23</p> <p>8 actually, do you know what it is? I want to go back</p> <p>9 to Exhibit 22 if I may and we will go back to 23 in</p> <p>10 a moment, but the bottom of Exhibit 22 there is a</p> <p>11 fax transmission?</p> <p>12 A. Yes.</p> <p>13 Q. Did you fax this report to somebody on</p> <p>14 October 7, 2004?</p> <p>15 A. I assume 4861 is our Sexual Assault, it's</p> <p>16 the fax at Sexual Assault.</p> <p>17 Q. My question is did you fax this report to</p> <p>18 somebody on that day, October 7, 2004?</p> <p>19 A. I have no idea.</p> <p>20 MS. AMBARIK: I think she faxed it to</p> <p>21 me. I think this was upon my request.</p> <p>22 Q. But it's fair to say that there was no hard</p> <p>23 copy of Exhibit 22 in your files, your paper files</p> <p>24 before October 7, 2004; correct?</p>	<p style="text-align: right;">200</p> <p>1 have had regarding the case.</p> <p>2 Q. 22 was generated before 23; correct?</p> <p>3 A. It doesn't necessarily mean that. That's</p> <p>4 just the order that we put them in. The victim's is</p> <p>5 always the followup.</p> <p>6 Q. So you don't know if Exhibit 22 was drafted</p> <p>7 before or after Exhibits 23 and 24 and 25?</p> <p>8 A. I would assume Exhibit 22 was drafted</p> <p>9 before. I don't know for a fact.</p> <p>10 Q. What's the date?</p> <p>11 A. Date assigned is March 22, 2004.</p> <p>12 Q. What about the date in the upper right-hand</p> <p>13 corner?</p> <p>14 A. March 22, 2004.</p> <p>15 Q. I am looking at the wrong exhibit. I am</p> <p>16 not going to ask you a third time. Now, what is</p> <p>17 Exhibit 23? I don't think I asked you that.</p> <p>18 A. That's the interview that I had with Mr.</p> <p>19 Hosseini.</p> <p>20 Q. And having read this report, Exhibit 23,</p> <p>21 did you draft this report?</p> <p>22 A. Yes.</p> <p>23 Q. Is your memory refreshed as to the date</p> <p>24 that you interviewed Mr. Hosseini?</p>
<p style="text-align: right;">199</p> <p>1 A. No. That's not fair to say.</p> <p>2 Q. It's not?</p> <p>3 A. No.</p> <p>4 Q. Do you have a hard copy of Exhibit No. 22</p> <p>5 in your paper files?</p> <p>6 A. I would assume I do, yes.</p> <p>7 (Document entitled "Sexual</p> <p>8 Assault Unit Case Update" marked</p> <p>9 Exhibit No. 23 for</p> <p>10 identification.)</p> <p>11 Q. Now, you can take a look at Exhibit 23,</p> <p>12 please. What is this entitled?</p> <p>13 A. "Sexual Assault Unit Case Update."</p> <p>14 Q. That's the title. Is there any</p> <p>15 significance to the title to this document?</p> <p>16 A. The case update?</p> <p>17 Q. Yes.</p> <p>18 A. I am saying that because you have got</p> <p>19 different titles on 22, 23, 24, and 25. They just</p> <p>20 go in order.</p> <p>21 Q. So would 22 have been drafted before 23?</p> <p>22 A. No. It just means 22 is your followup,</p> <p>23 usually your victim's statement. Anything that</p> <p>24 follows that after that is other conversations you</p>	<p style="text-align: right;">201</p> <p>1 A. Yes.</p> <p>2 Q. What date?</p> <p>3 A. March 4th, 2004.</p> <p>4 Q. In relationship to when you got back from</p> <p>5 disability leave, what date was that?</p> <p>6 A. I am going to assume then it was either</p> <p>7 March 3rd or 4th, 2004.</p> <p>8 Q. If you can go to Exhibit 25 very quickly.</p> <p>9 A. Okay.</p> <p>10 Q. The first line there, if you can read it to</p> <p>11 yourself, does that indicate that you were out of</p> <p>12 work from January 6th through March 3rd, 2004?</p> <p>13 A. Yes.</p> <p>14 Q. So is it fair to say that Mr. Hosseini came</p> <p>15 down to meet with you on the first day you were back</p> <p>16 from your disability leave?</p> <p>17 A. Yes.</p> <p>18 Q. And why did you have Detective Salley sit</p> <p>19 in on your interview with Mr. Hosseini on that day?</p> <p>20 A. We always do interviews with suspects with</p> <p>21 two people.</p> <p>22 Q. Why is that?</p> <p>23 A. Just common practice at the Sexual Assault</p> <p>24 Unit.</p>

BOSTON POLICE**CONFIDENTIAL****SEXUAL ASSAULT UNIT
CONFIDENTIAL INFORMATION****FOLLOW UP INVESTIGATION REPORT**

	AREA-DISTRICT D-4	DATE 10/07/04
TYPE OF INCIDENT Indecent assault & battery 14 & above	DATE OF INCIDENT 1/1/2003	
VICTIM/COMPLAINANT Joseph Bavis	ADDRESS 138 Athens St.	
CC NUMBER 040143112	INCIDENT LOCATION 900 Boylston St.	
ASSIGNED TO Detective Erin Schroeder	DATE ASSIGNED 3/22/2004	

RESULTS:

I met with victim Joe Bavis and Joe Perry together on December 22, 2003 regarding some incidents that had taken place at 900 Boylston Street, Hynes Convention Center, during the years 2002-2003. Mr Bavis stated to me that he had been standing on the loading dock, he believed it to be the beginning of 2003, when the suspect (Mohsen Hosseni) came up to him and reached around and grabbed the victim's buttocks and began to grind against the victim's crotch with his own and kissed the victim on the face. The victim stated he told the suspect to leave him alone or he would hit him and the suspect, who is the victim's boss, then ordered the victim to go home for the day and leave the work site. Mr Joe Perry also works for the teamsters union and Mr Bavis requested he stay in the room while he talked to me. Mr Perry stated that the suspect has also touched his buttocks before or kissed him on the cheek and he also has told the suspect to leave him alone or he would physically hurt him.



CONFIDENTIAL

SEXUAL ASSAULT UNIT - CASE UPDATE

VICTIM: Joseph Bavis

DATE ASSIGNED: 3/22/2004

CC#: 040143112

DETECTIVE: Detective

Erin Schroeder

On March 4, 2004 myself and Detective Salley spoke with suspect Mohsen Hosseni at 91 East Concord Street. Mr Hosseni was read and given to read the Miranda Warnings which he waived and signed and I had the following conversation with him: He stated to me he thought he was there because Joe Perry had filed sexual harassment charges against him and he wanted me to know that Mr Perry is a very lazy worker and that they have had issues about his laziness and being sent home for not doing his work before. He said he was told that Mr Perry told John Foley that he was filing sexual harassment charges against Mr Hosseni so he was not surprized to receive a phone call from the Boston Police. I then asked him if he had ever touched Mr Perry in a sexually inappropriate way and he said absolutely not that that was a flat out lie. I then asked him if he had ever had any problems with his touching any of the men and he stated about 1 1/2 years ago he came up to Joe Bavis and put his hands on Joe Bavis' shoulders and Mr Bavis started yelling and carrying on and both parties apologized to each other. He then said that was the only incident that had ever occurred between himself and the men that stood out in his mind. At this point the interview was concluded.



CASE STATUS:

APPROVED SUPERVISOR: _____

APPROVED DATE: _____

Thursday, October 07, 2004

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CONFIDENTIAL

SEXUAL ASSAULT UNIT - CASE UPDATE 2

VICTIM: Joseph Bavis

DATE ASSIGNED: 3/22/2004

CC#: 040143112

DETECTIVE: Detective

Erin Schroeder

On March 22, 2004 Mohsen Hosseni was arrested for a warrant from BMC for 1 count Indecent Assault & Battery #0401CR001774. Mr Hosseni was transported and booked at District 4 and no statement was taken from him at that time due to the fact I had already had conversation with him prior to the arrest in my office on 3/4/04 and had told him to leave the victim alone. I received a call that morning from the victim stating that Mr Hosseni was still touching his buttocks and rubbing against him after the conversation with myself.



CASE STATUS:

APPROVED SUPERVISOR: _____

APPROVED DATE: _____

Thursday, October 07, 2004

Page 1 of 1

CONFIDENTIAL

SEXUAL ASSAULT UNIT - CASE UPDATE3

VICTIM: Joseph Bavis

DATE ASSIGNED: 3/22/2004

CC#: 040143112

DETECTIVE: Detective

Erin Schroeder

I was made aware when I came back from being out injured (January 6, 2004-March 3, 2004) that numerous phone calls were made weekly from Mr Bavis and Mr Joe Perry to the Sexual Assault Unit regarding ongoing problems they were having with Mr Hosseni and his inappropriate touching and comments. Upon returning to work I immediately set up an interview with Mr Hosseni to make him aware of the allegations made against him. I also contacted the Hynes Convention Center attorney, Arthur Fritch, in late December 2003 (after my initial December 22, 2003 interview with Mr Bavis) and let him know there was an allegation made regarding 2 employees of GES who were working within the building and wanted to ask if they needed to be present for any interviews or any actions that may have arose from the allegations. Mr Fritch informed me that GES was contracted by the Hynes and therefore were only working within the building but not for The Hynes Convention Center itself. I also made numerous attempts with the union people, including, John Perry (who informed me that he did not know any personal information about Mr Hosseni to make it possible for me to reach him and make him aware of the allegations and suggested that I call the main GES or ESR office but didn't know where they were located). I did attempt to reach Mr Hosseni from a phone number I was given by another union member, who asked that I not include his name in the report but I believe was a Mr Dodds, and I did attempt to contact Mr Hosseni in December 2003 but had to leave a voice message at the number I was given.



CASE STATUS:

APPROVED SUPERVISOR: _____

APPROVED DATE: _____

Thursday, October 07, 2004

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